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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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CONFERENCE OF THE STATES PARTIES

CONFERENCE OF STATES PARTIES TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, TO REVIEW THE AMENDMENT PROPOSED BY THE AUSTRALIAN GOVERNMENT TO ARTICLES 17 AND 18 OF THE CONVENTION

Australia, Austria, Canada, Cyprus, Ecuador, Finland, France, Hungary, Netherlands, Norway, Russian Federation, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland: draft resolution

The States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Reiterating the importance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the full implementation of the prohibition, under international law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Concerned that the financial arrangements for meeting the costs of implementation of the Convention, in conformity with paragraph 7 of article 17 and paragraph 5 of article 18 of the Convention have not proved sufficient to ensure the long-term viability of the Committee against Torture as an essential mechanism for overseeing the effective implementation of the provisions of the Convention,

Recalling the decision of the Third Meeting of States Parties to the Convention which expressed increasing concern about the viability of the financial regime established by articles 17 and 18 of the Convention and that the prospect of a worsening accumulation of arrears in the payment of assessed contributions may have a paralyzing effect on the monitoring of the Convention's implementation,

Conscious also of the concern expressed by the Chairman of the Committee against Torture about the viability of the current funding arrangements and the conclusions of the independent study on "Possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights",

Taking note of the General Assembly's request that the States parties to the Convention consider, as a matter of priority, all possibilities for meeting the costs of the Convention on a viable, guaranteed basis, including by considering possible amendment to the funding provisions of the Convention,

Noting that the General Assembly has endorsed the recommendations of the 1988 and 1990 meetings of the chairpersons of human rights treaty monitoring bodies on the need to ensure adequate financing and adequate staffing resources for the operations of the treaty bodies, and in particular that the General Assembly in its resolution 46/111 endorsed the recommendation of the 1990 meeting that the General Assembly take appropriate measures to ensure the financing of each of the monitoring committees from the regular budget of the United Nations,

Noting the proposed amendment, put forward by the Government of Australia in accordance with article 29, paragraph 1, of the Convention, to delete article 17, paragraph 7, and article 18, paragraph 5, and insert a new paragraph 4 of article 18 to read "The members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the General Assembly shall decide.",

1. Decide to delete paragraph 7 of article 17 and paragraph 5 of article 18;

2. Decide to add a new paragraph, as paragraph 4 of article 18 to read "The members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the General Assembly shall decide.", and as a result of inserting this provision, that the existing paragraph 4 of article 18 should be renumbered as paragraph 5;

3. Recommend that the General Assembly take action for the implementation of the proposed amendment at its forty-seventh session;

4. Recall that the amendment shall enter into force when it has been accepted by two thirds of the States parties to the Convention which shall have so notified the Secretary-General as depository, and on the understanding that the proposed amendments will become operative only when the General Assembly has taken appropriate action;

5. Urge all States parties to meet their financial obligations under the existing article 17, paragraph 7, and article 18, paragraph 5, in full until such time as the proposed amendment in paragraphs 1 and 2 above enter into force;

6. Appeal strongly to all States parties in arrears in making contributions required under the existing provisions of the Convention to meet those payments in full;

7. Emphasize that the entry into force of the proposed amendment cannot in any way be interpreted as relinquishing the obligation of States parties to meet in full any arrears in payments of their assessed contributions.